

REMARKS

In response to the Notice of Non-Compliant Amendment dated January 12, 2005, Applicants present herewith a complete listing of claims. However, the USPTO's issuance of the January 12, 2005 Notice of Non-Compliant Amendment is respectfully traversed for the following reasons. In the Notice, the Examiner alleges that the Amendment filed on June 16, 2004 should have included a complete listing of the claims of the instant application indicating "the status of the claims, such as 'previously presented' or 'amended'" citing to 37 C.F.R. § 1.121(c).

It is respectfully submitted that 37 C.F.R. § 1.121(c) does not require a complete listing of all of the claims with status identifiers in this situation. In particular, 37 C.F.R. § 1.121(c) states that "[e]ach amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims (emphasis added) ..." The previous Amendment filed on June 16, 2004, which the Examiner alleges is "not fully responsive," did not include any changes to the originally filed claims. As a result, it is clear that 37 C.F.R. § 1.121(c) does not require that a complete listing of the claims with status identifiers be presented in this situation.

As a hypothetical example, if an Amendment document is being filed in which no changes to the Abstract are being implemented, there is no requirement to show the current form of the Abstract in the Amendment document. The same concept applies to the specification, for example, as well as the claims.

Nevertheless, because the Notice issued by the Examiner imposes a new period for response on Applicants, the instant Response is being filed to ensure that prosecution proceeds promptly without any administrative delays. Accordingly, examination and entry of the papers that were properly filed on June 16, 2004 in this application is respectfully requested. In light of the Examiner's stated requirement, Applicants are providing herewith a complete listing of the claims with their associated status identifiers.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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